

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
January 19, 2000

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:04 p.m., Wednesday, January 19, 2000, in the Board Room, York County Finance Building, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James Barnett, County Attorney.

Invocation. Reverend Richard J. Holmes gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Vice Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He indicated he had nothing specific to report to the Board at this time, but would try to answer any questions the Board members might have.

Miss Rapp asked if the trash pile on Victory Boulevard was on VDOT's property and expressed her desire to get it cleaned up. She also reported that the Route 606 marker was almost on the ground.

Mr. Elliott confirmed that the trash was on VDOT's property and that he would have it cleaned up.

Mr. Wiggins expressed his concerns over the delay in the construction of Grafton Drive and the default of the contractor.

Mr. Elliott explained that the contractor defaulted on the project, and the bonding company had taken the responsibility of completing the project. He reported that as soon as the weather permitted, the construction would resume.

Mr. Wiggins discussed a letter from two citizens regarding drainage problems and road resurfacing in the Edgehill subdivision.

Mr. Elliott acknowledged there were drainage problems in the Edgehill subdivision. He explained the problems went back to when the project was built, noting the only way to correct the problem was for the entire drainage system to be reconstructed. He mentioned that VDOT has a limited amount of money for resurfacing streets, and as money becomes available VDOT would continue resurfacing in that area.

Mr. Wiggins asked that a "No Through Trucks" sign be installed on Allens Mill Road because of the heavy truck traffic.

Mr. Burgett reported he had received phone calls from citizens regarding the resurfacing of Kitty Drive, Yorkshire Drive, Brook Drive, and Riverside Drive. He asked about the prioritization of the resurfacing schedule and expressed his desire for citizens to be informed as to when they could expect the resurfacing to be completed.

Mr. Elliott provided an explanation concerning the allocation of state funds, the distribution of those funds, and how each locality prioritizes its resurfacing requests.

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Chairman Zarembo asked if VDOT was responsible for the upkeep of the turnaround area on Skimino Road at Camp Peary.

Mr. Elliott explained VDOT was responsible for the road leading up to the fenced area at Camp Peary. He further explained the cut-out area was not a State maintained area, and he elaborated on the options available, which are the Secondary Road Improvement Funds or the Revenue Sharing Project, to build a turnaround area to be taken over by State maintenance. Mr. Elliott extended an invitation to the Board members to meet with him individually to address their concerns.

Mrs. Noll asked about a manual VDOT had prepared for them in the past for new Board members.

Mr. Elliott informed the Board that VDOT was in the process of updating the manual for them.

PRESENTATIONS

YORK COUNTY SCHOOL BOARD

Mr. Don Felling, Chairman of the York County School Board, spoke on this year's School Board budget and how it was processed. He explained that the two driving factors in the operating budget were the School Board's mission and goals and the amount of State funds available, which is 51 percent of the schools' budget. He indicated the School Board looks for approval of its budget by March 13 for submission to the Board of Supervisors for incorporation into the County's final budget.

Chairman Zarembo stated he had asked the County Administrator to coordinate a joint meeting with the School Board and the Board of Supervisors.

VIRGINIA PENINSULA ASSOCIATION OF REALTORS

Ms. Susan Gaston, Director of Governmental Affairs for the Virginia Peninsula Association of Realtors, made a presentation on growth and infrastructure in Virginia and on the Association's legislative package. She touched on issues such as smart growth in Virginia, protection of private property rights, affordable housing for all Virginians, preserving communities, a strong economy, and inner city revitalization.

Mr. Wiggins stated he felt that the County needed more industrial and commercial growth.

Ms. Gaston explained that increasing the industrial base would keep the residential property taxes at a minimum.

Mr. Burgett asked what the price of affordable housing was in York County.

Ms. Gaston reported that other areas were more affordable than York County. She stated the average price of a house was easily over \$100,000.00 in York County.

A brief discussion followed on the use of proffers and impact fees.

CITIZENS COMMENT PERIOD

Ms. Pam Pouchot, 103 Kimberly Court, Chair of the Virginia Committee for Gunfree Schools, spoke on six bills before the General Assembly that the Virginia Committee for Gunfree Schools was sponsoring. She elaborated on the bills to remove firearms from school grounds and to ban the discharge of firearms on school grounds. She urged the Board members and citizens to contact their legislators in support of these bills. Ms. Pouchot also spoke on the issue of non-County residents speaking at Board meetings. She felt that everyone should have the opportunity to speak at Board meetings whether they live in the County or not. She also spoke against the three-minute speaking limit and the requirement to obtain a permit to express oneself on public property. Ms. Pouchot stated she felt the new Board policy allowing the Chairman to act

beyond the Board's approval placed excessive authority with the Chairman and asked that the policy be rescinded.

Chairman Zaremba responded that the Board had no intention of denying citizens the right to speak before the Board. He explained that the Board simply would put the citizens of York County first.

Mr. Gregory Brezinski, 1017 Moore House Road, representing the Yorktown Trustees, displayed a new license plate depicting the tobacco wharf in Yorktown during colonial days. Mr. Brezinski explained that the special plates are available for purchase, and that the proceeds of the sale would go to support the revitalization of the Yorktown Waterfront.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett provided the Board with a report on the Fox programming controversy, and why local government was getting involved. He reported that the County's cable agreement and the County's Ordinance was shaped by federal laws, and the federal laws did not give localities many options. He then reviewed some of the bills introduced into legislation that were of interest to York County:

- SB148—E911 local tax.
- HB255—meals tax.
- SB111—condemnation and awards by the court.
- HB100—seasonal permits for wildlife management.
- HB344—sales taxes on food.
- HB2—proposal for a redistribution of 5 percent of the income tax collected by the State back to the locality.
- HB277—proposal for 5 percent of the state income tax collections to be distributed back to the local government if the state budget has a surplus after the year 2001.
- SB198—interest refunds on taxes paid erroneously.
- SB166—eliminate roll-back taxes on land currently owned in special use tax category.
- JR30—a constitutional amendment to require that there will be no diminishment of local sources of revenue unless the General Assembly, in the same session, provides for a replacement of that revenue.
- JR69—setting terms - 3 terms of the Senate; 6 terms in the House.
- HB261—allow the issuance of a County Attorney license plate.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Stuck discussed the current session of the General Assembly and reported that the Board had asked legislators to hold off making tax changes until a report of the committee studying the State tax system was available, which won't happen until next year. He spoke of the elimination of the local E911 tax and how the operating centers would be expected to function without funding from the tax. He then discussed the preparation and selection of items for the Board's agenda. In conclusion, Mr. Stuck showed a brief video depicting the progress of the following construction projects currently underway:

York Hall
Riverwalk

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Dare Pump Station Sewer/Water
Calthrop Neck Road Sewer/Water
Old Lakeside Drive Sewer/Water
Tabb Middle School Addition

Chairman Zaremba requested that Mr. Stuck direct staff to include discussion about proffers the next time a presentation was made regarding a subdivision-related initiative.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll discussed a planning seminar she attended in Richmond and reported that no significant legislation is expected concerning smart growth. She stated she also attended a graduation ceremony of Navy medical technicians at Thomas Nelson Community College, and indicated she had also attended a meeting of the Hampton Roads Planning District Commission at which time the Governor asked for the Commission's endorsement for his transportation program, which the Commission gave.

Miss Rapp reported she would hold a meeting on March 2, 2000, at 7:00-8:30 p.m., at the Tabb Library. She invited all citizens to attend but emphasized the meeting would be focused on District 5. She thanked Mr. Stuck, Mr. Barnett, and staff for their help in answering constituents' questions. She then reported there was a very large tire on property behind the fire station on Victory Boulevard, and she asked that it be removed. She stated Chairman Zaremba had appointed her to three liaison positions including the Yorktown Day Association, the Peninsula Airport Commission Blue Ribbon Task Force, and the Zweibrucken Student Exchange. Miss Rapp then mentioned earlier discussion by the Board on other jurisdictions' policies concerning speaker limits at council and board meetings and the disagreement that ensued concerning the Williamsburg City Council's policy. She stated that during the earlier discussion, Chairman Zaremba had indicated that he knew personally of a York County resident being denied permission to speak even though the City Clerk had ensured her that the City Council did not have a policy prohibiting non-citizen speakers. Miss Rapp asked that the record show that she had provided the Clerk with a copy of the Williamsburg City Council's Rules and Procedures, which indicate that the City Council allows public comment during an open forum under new business at which time any person may address the Council on any topic.

Chairman Zaremba indicated he appreciated Miss Rapp's clarification, stating it was good to know that the City Council has changed its policy to allow both citizens of Williamsburg and non-citizens to speak.

Mr. Wiggins stated that the Chairman of a Board should be responsible for conducting meetings in an orderly manner, and the Chairman must have the responsibility of setting the agenda. He stated the Board members have a right to contribute to the agenda, and this Board was not taking anything away from any individual Board member.

Mr. Burgett stated he felt the Chairman and the County Administrator should work together to compile the agenda. He then indicated he had met with the Strategic Planning Committee for Economic Development and was excited about future development. He thanked John Dunn for his help in answering some questions and solving some issues.

Chairman Zaremba discussed the meeting of the Peninsula Alliance for Economic Development he attended with Mrs. Noll and Mr. Stuck. He stated the Alliance's goals were to analyze, assess, and evaluate the economic life of the Peninsula. He explained that Mrs. Noll received an award and recognition for her contributions to the Alliance over the past two years. He then spoke of the budget process, stating the task of developing the budget for the next fiscal year will begin in the next few weeks, and he urged the citizens to become involved.

PUBLIC HEARING

VACATION OF DRAINAGE AND UTILITY EASEMENT

Mr. Barnett made a brief presentation on proposed Resolution No. R00-2 to authorize the execution of an instrument vacating a portion of a County drainage and utility easement across property owned by Cecil W. and Betty G. Baker.

Chairman Zaremba called to order a public hearing on proposed Resolution No. R00-2 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE EXECUTION OF AN INSTRUMENT VACATING A PORTION OF A COUNTY DRAINAGE AND UTILITY EASEMENT ACROSS PROPERTY OWNED BY CECIL W. BAKER, JR. AND BETTY G. BAKER.

There being no one else present who wished to speak regarding the subject resolution, Chairman Zaremba closed the public hearing.

Mr. Burgett then moved the adoption of proposed Resolution R00-2 which reads:

A RESOLUTION TO AUTHORIZE EXECUTION OF AN INSTRUMENT VACATING A PORTION OF A COUNTY DRAINAGE AND UTILITY EASEMENT ACROSS PROPERTY OWNED BY CECIL W. BAKER, JR., AND BETTY G. BAKER.

WHEREAS, the York County Board of Supervisors was previously granted a 10' drainage and utility easement across a portion of Lot 38, Harwood Heights, as shown on a plat entitled "Plat of the Property of Cecil W. Baker, Jr. and Betty G. Baker, Lot 38 Harwood Heights, County of York, Virginia," dated April 22, 1997; and

WHEREAS, Cecil W. Baker, Jr. and Betty G. Baker, the owners of the subject property, have requested that the southerly five (5) feet along a portion of this easement be vacated, as shown on the plat attached to the County Attorney's report dated December 20, 1999.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of January, 2000, that the County Administrator be, and is hereby authorized, for and on behalf of the Board, to execute an instrument vacating the southerly five (5) feet of that portion of said drainage and utility easement that lies across the subject property, as described therein, such instrument to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved the adoption of the Consent Calendar as submitted, Item No. 2.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

Thereupon, the following resolution was adopted:

Item No. 2. YORKTOWN WHARF-AREA TRANSPORTATION ENHANCEMENT PROJECT: Resolution R00-6

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR DEVELOPMENT AND ADMINISTRATION OF THE YORKTOWN WHARF AND INTERPRETIVE AREA TRANSPORTATION ENHANCEMENT PROGRAM PROJECT

WHEREAS, in 1999 York County applied for and was awarded \$550,000 of Transportation Enhancement Program funding for the Yorktown Wharf and Interpretive Area project; and

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WHEREAS, an agreement between the Virginia Department of Transportation and York County is necessary to allow this project to proceed to implementation; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of January, 2000, that the County Administrator be, and he is hereby, authorized to execute an agreement between York County and the Virginia Department of Transportation for the development and administration of the Yorktown Wharf and Interpretive Area project.

NEW BUSINESS

APPROVAL OF MINUTES.

Chairman Zaremba polled the Board members to determine that the minutes of the December 15, 1999, Regular Meeting had been read by each Board member, and he asked that the record reflect that they had done so.

Miss Rapp then moved that the minutes of the December 15, 1999, Regular Meeting be approved as submitted and that Chairman Zaremba be directed to sign such.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

APPOINTMENT OF TWO ALTERNATE MEMBERS TO THE BOARD OF ZONING/SUBDIVISION APPEALS.

Mrs. Noll moved the adoption of proposed Resolution R00-7 that reads:

APPEALS A RESOLUTION TO REQUEST THE YORK COUNTY CIRCUIT COURT TO APPOINT TWO ALTERNATE MEMBERS TO THE YORK COUNTY BOARD OF ZONING/SUBDIVISION

WHEREAS, the York County Board of Zoning/Subdivision Appeals (hereinafter "the BZA") currently consists of five (5) members, each appointed by the York County Circuit Court; and

WHEREAS, the members of the BZA have requested this Board to apply to the York County Circuit Court for the appointment of two (2) alternate members to the BZA, as permitted pursuant to Virginia Code § 15.2-2308; and

WHEREAS, this Board deems that the appointment of two (2) alternate members to the BZA will serve the public interest.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of supervisors, this the 19th day of January, 2000, that the Circuit Court of York County is hereby requested to appoint two (2) alternates to the York County BZA pursuant to Virginia Code § 15.2-2308.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

CLOSED MEETING. At 9:20 p.m., Mr. Burgett moved that the Board convene in Closed Meeting pursuant to Section 2.1-344(a)(7) of the Code of Virginia regarding consultation with legal counsel on a specific legal matter.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

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Meeting Reconvened. At 10:04 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of Resolution SR-1 which reads:

On motion of Mr. Burgett, which carried 5-0, the following resolution was adopted:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED SES-
SION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of January, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

Meeting Adjourned. At 10:06, p.m. Chairman Zaremba declared the meeting be adjourned to 6:00 p.m., Wednesday, January 26, 2000, in Board Room, York County Finance Building, for the purpose of conducting a work session.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors